

United States Department of Agriculture

BUREAU OF BIOLOGICAL SURVEY

SERVICE AND REGULATORY ANNOUNCEMENTS NO. 73

LAWS AND REGULATIONS FOR THE ADMINISTRATION OF FEDERAL WILD-LIFE REFUGES

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REGULATIONS FOR ADMINISTRATION OF (1) AREAS WHEN ACQUIRED UNDER THE MIGRATORY BIRD CONSERVATION ACT; (2) PRESERVES OR RESERVATIONS ESTABLISHED OR WHEN ESTABLISHED BY EXECUTIVE ORDER FOR USE OF THE DEPARTMENT OF AGRICULTURE AS REFUGES AND BREEDING GROUNDS FOR NATIVE BIRDS (EXCEPT THE ALEUTIAN ISLANDS AND NUNIVAK ISLAND RESERVATIONS IN ALASKA); AND (3) NATIONAL BISON RANGE (MONT.), NIOBRARA RESERVATION (NEBR.), SULLYS HILL NATIONAL GAME PRESERVE (N. DAK.), WIND CAVE NATIONAL GAME PRESERVE (S. DAK.), AND ELK REFUGE (WYO.)

Pursuant to section 10 of the migratory bird conservation act of February 18, 1929 (45 Stat. 1222), the act of June 28, 1906, as amended April 15, 1924, to protect wild life and property on Federal reservations (43 Stat. 98; U. S. Code, title 18, sec. 145), and otherwise, the following regulations are hereby prescribed, effective May 15, 1930, for the administration of the areas, preserves, reservations, and refuges specified in the caption hereof and hereinafter referred to as "reservations":

Regulation 1.—Entry upon Reservations

Entry upon the reservations unless otherwise provided shall be only under appropriate permit issued for the purpose. Permits, however, will not be required of any person:

For admission to the headquarters of the officer in charge of any reservation when made by the usual line of travel to and from such headquarters:

For access to any portion of a reservation by a person who is accompanied by the officer in charge of the reservation or his deputy;

For entry and temporary use for recreational or other appropriate purposes of any camp site or other area specifically designated for the use of the public by the Chief of the Bureau of Biological Survey and under such appropriate conditions as he shall prescribe so long as such use and occupancy do not interfere with the purposes for which the reservation is established; nor

For fishing or the taking of wild life when by appropriate order the Secretary of Agriculture shall specifically authorize such fishing or the taking of such wild life without permit.

Regulation 2.—Fishing

Fishing will be allowed on reservations acquired under the migratory bird conservation act, and on such areas in other reservations as may be designated for the purpose from time to time by order of the Secretary of Agriculture,

but such fishing shall be conducted on such reservations and designated areas in accordance with the laws of the State in which they are situated, and in a manner that will not interfere with the objects of the reservation. Permits, valid during the period stated therein, for fishing on any such reservations or areas shall be issued by the local or resident officer in charge thereof unless the Secretary by order shall authorize such fishing without permit.

Regulation 3.—Specimens for Scientific, Exhibition, or Propagating Purposes

Specimens of plant and animal life or other natural objects on any reservation, including the nests and eggs of birds, for scientific, exhibition, or propagating purposes, may be taken under special permit issued by the Secretary of Agriculture and countersigned by the Chief of the Bureau of Biological Survey, but no such permit shall be deemed to authorize the taking, possession, transportation, or sale of any wild life, or the nests or eggs of birds, contrary to State or Federal law.

Regulation 4.—Scientific Studies

Entry upon any reservation for scientific study, the taking of photographs thereon, or for other like purposes, when not inconsistent with the objects for which the reservation was created, may be allowed under permit issued by the Chief of the Bureau of Biological Survey or by such officer as he may designate.

Regulation 5.—Removal of Surplus and Injurious Objects

The removal of surplus or injurious animal life or other products of any reservation and the disposition thereof in accordance with law and regulations, and the orders of the Secretary of Agriculture, shall be made by or under direction of the Chief of the Bureau of Biological Survey.

Regulation 6.—Domestic Animals

The ranging of cattle or other domestic stock or the running at large of dogs or cats upon any reservation, or allowing the entry of any such animals upon any reservation for any purpose except as specifically authorized under these regulations is not permitted.

Regulation 7.—Economic Utilization of Resources

Permits to graze livestock, harvest hay or stock feed, remove timber or firewood, occupy or cultivate areas, use any material of commercial value, or make other use of the reservation not inconsistent with its objects may be issued by the Chief of the Bureau of Biological Survey upon such terms and at such rates of charge, if any, as may be ascertained and determined by him to be commensurate with the value of the privilege granted by such permits.

Regulation 8.—Hunting and Trapping

Except on reservations acquired under the migratory bird conservation act, the hunting or trapping of wild life in accordance with the provisions of Federal and State laws applicable thereto will be allowed on reservations only within areas designated for the purpose by order of the Secretary of Agriculture, and unless otherwise provided in the order, under permit issued by the local or resident officer in charge of the reservation.

Regulation 9.—Official Operations Excepted

These regulations shall not be construed to forbid or interfere with official operations within reservations by employees or agents of other departments or bureaus of the Government for the use of which the reservations or parts thereof have also been appropriated.

Regulation 10.—Application for Permits

Applications for permits shall be made in writing and should be addressed to the local or resident officer in charge of the reservation concerned, when the permits are authorized to be issued by such officer, otherwise to the Chief, Biological Survey, Washington, D. C.

Regulation 11.—Exhibition and Revocation of Permits

Permits shall be exhibited for inspection at any reasonable time upon request of any officer or employee of the Department of Agriculture engaged in the administration or enforcement of laws applicable to such reservations. Any permit may be terminated at any time by agreement between the issuing officer and the permittee; it may be revoked by the issuing officer for noncompliance with the terms thereof or of these regulations, for nonuse, or for violation of any law or regulation applicable to the reservation or any State or Federal law protecting wild life, or the nests or eggs of birds; and it is subject at all times to discretionary revocation by the Secretary of Agriculture.

Regulation 12.—Revocation of Prior Regulations

All regulations with respect to the reservations covered by these regulations heretofore made and published by the Secretary of Agriculture that are inconsistent with the provisions hereof are hereby revoked.



IN TESTIMONY WHEREOF I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the city of Washington, this 7th day of May, 1930.

ARTHUR M. HYDE,
Secretary of Agriculture.

LAW PROTECTING WILD ANIMALS AND BIRDS AND THEIR EGGS AND GOVERNMENT PROPERTY ON FEDERAL REFUGES

[U. S. Code, Title 18, Criminal Code and Criminal Procedure]

SEC. 145. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than \$500, or imprisoned not more than six months, or both. (Sec. 84, act of March 4, 1909, as amended April 15, 1924, 43 Stat. 98.)

EXTRACTS FROM THE MIGRATORY BIRD CONSERVATION ACT

[U. S. Code, Supplement III, Title 16, Conservation]

SEC. 715a. That a commission to be known as the Migratory Bird Conservation Commission, consisting of the Secretary of Agriculture, as chairman, the Secretary of Commerce, the Secretary of the Interior, and two Members of the Senate, to be selected by the President of the Senate, and two Members of the House of Representatives to be selected by the Speaker, is hereby created and authorized to consider and pass upon any area of land, water, or land and water that may be recommended by the Secretary of Agriculture for purchase or rental under this Act, and to fix the price or prices at which such area may be purchased or rented; and no purchase or rental shall be made of any such area until it has been duly approved for purchase or rental by said commission. Any Member of the House of Representatives who is a member of the commission, if reelected to the succeeding Congress, may serve on the commission notwithstanding the expiration of a Congress. Any vacancy on the commission shall be filled in the same manner as the original appointment. The ranking officer of the branch or department of a State to which is committed the administration of its game laws, or his authorized representative, and in a State having no such branch or department, the governor thereof, or his authorized representative, shall be a member ex officio of said commission for the purpose of considering and voting on all questions relating to the acquisition, under this Act, of areas in his State.

SEC. 715c. That the Secretary of Agriculture shall recommend no area for purchase or rental under the terms of this Act except such as he shall determine is necessary for the conservation of migratory game birds.

SEC. 715d. That the Secretary of Agriculture is authorized to purchase or rent such areas as have been approved for purchase or rental by the commission, at the price or prices fixed by said commission, and to acquire by gift or devise, for use as inviolate sanctuaries for migratory birds, areas which he shall determine to be suitable for such purposes, and to pay the purchase or rental price and expenses incident to the location, examination, and survey of such areas and the acquisition of title thereto, including options when deemed necessary by the Secretary of Agriculture, from moneys to be appropriated hereunder by Congress from time to time: *Provided*, That no lands acquired, held, or used by the United States for military purposes shall be subject to any of the provisions of this Act.

SEC. 715e. That the Secretary of Agriculture may do all things and make all expenditures necessary to secure the safe title in the United States to the areas which may be acquired under this Act, but no payment shall be made for any such areas until the title thereto shall be satisfactory to the Attorney General, but the acquisition of such areas by the United States shall in no case be defeated because of rights of way, easements, and reservations which from their nature will in the opinion of the Secretary of Agriculture in no manner interfere with the use of the areas so encumbered for the purposes of this Act; but such rights of way, easements, and reservations retained by the grantor or lessor, from whom the United States receives title, shall be subject to rules and regulations prescribed from time to time by the Secretary of Agriculture for the occupation, use, operation, protection, and administration of such areas as inviolate sanctuaries for migratory birds; and it shall be expressed in the deed or lease that the use, occupation, and operation of such rights of way, easements, and reservations shall be subordinate to and subject to such rules and regulations.

SEC. 715f. That no deed or instrument of conveyance shall be accepted by the Secretary of Agriculture under this Act unless the State in which the area lies shall have consented by law to the acquisition by the United States of lands in that State.

SEC. 715g. That the jurisdiction of the State, both civil and criminal, over persons upon areas acquired under this Act shall not be affected or changed by reason of their acquisition and administration by the United States as migratory bird reservations, except so far as the punishment of offenses against the United States is concerned.

SEC. 715h. That nothing in this Act is intended to interfere with the operation of the game laws of the several States applying to migratory game birds in so far as they do not permit what is forbidden by Federal law.

SEC. 715i. That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike embankment, flume, spillway, or other improvement or property of the United States on any area acquired under this Act, or cut, burn, or destroy any timber, grass, or other natural growth, on said area or on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture; nor shall any person take any bird, or nest or egg thereof on any area acquired under this Act, except for scientific or propagating purposes under permit of the Secretary of Agriculture; but nothing in this Act or in any regulation thereunder shall be construed to prevent a person from entering upon any area acquired under this Act for the purpose of fishing in accordance with the law of the State in which such area is located: *Provided*, That such person complies with the regulations of the Secretary of Agriculture covering such area.

SEC. 715j. That for the purposes of this Act, migratory birds are those defined as such by the treaty between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916.

[Migratory birds, included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, as incorporated in the regulations under the migratory bird treaty act of July 3, 1913 (U. S. Code, title 16, Conservation, secs. 703-711), are defined as follows:

1. *Migratory game birds:*

(a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.

(c) *Rallidae, or rails*, including coots, gallinules, and sora and other rails.

(d) *Limicolae, or shore birds*, including avocets, curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(e) *Columbidae, or pigeons*, including doves and wild pigeons.

2. *Migratory insectivorous birds*: Cuckoos; flickers and other woodpeckers; night-hawks or bull-bats and whip-poor-wills; swifts; humming birds; flycatchers; bobolinks, meadow larks, and orioles; grosbeaks; tanagers; martins and other swallows; waxwings; shrikes; vireos; warblers; pipits; catbirds and brown thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnatcatchers; robins and other thrushes; and all other perching birds which feed entirely or chiefly on insects.

3. *Other migratory nongame birds*: Auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murre, petrels, puffins, shearwaters, and terns.]

SEC. 715k. * * * That reservation protectors appointed under the provisions of this Act shall be selected when practicable, from qualified citizens of the State in which they are to be employed.

SEC. 715l. That for the efficient execution of this Act, the judges of the several courts established under the laws of the United States, United States commissioners, and persons appointed by the Secretary of Agriculture to enforce this Act, shall have, with respect thereto, like powers and duties as are conferred by section 5 of the Migratory Bird Treaty Act (title 16, section 706 of the United States Code) upon said judges, commissioners, and employees of the Department of Agriculture appointed to enforce the Act last aforesaid. Any bird, or part, nest or egg thereof, taken or possessed contrary to this Act, when seized shall be disposed of as provided by section 5 of said Migratory Bird Treaty Act.

[Powers and duties of enforcement officers are defined by section 5 of the migratory bird treaty act as follows:

SEC. 5. That any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act shall have power, without warrant, to arrest any person committing a violation of this act in his presence or view and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this act; and shall have authority, with a search warrant, to search any place. The several judges of the courts established under the laws of the United States, and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All birds, or parts, nests, or eggs thereof, captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulations made pursuant thereto, shall, when found, be seized by any such employee, or by any marshal or deputy marshal, and upon conviction of the offender or upon judgment of a court of the United States that the same were captured, killed, taken, shipped, transported, carried, or possessed contrary to the provisions of this act or of any regulation made pursuant thereto, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction.]

SEC. 715m. That any person, association, partnership, or corporation who shall violate or fail to comply with any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$10 nor more than \$500, or be imprisoned not more than six months, or both.

SEC. 715n. That for the purposes of this Act the word "take" shall be construed to mean pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires. (Act approved February 18, 1929, 45 Stat. 1222.)

REGULATIONS GOVERNING HUNTING ON NATIONAL FORESTS

Regulation T-7, effective October 1, 1919, of the regulations of the Forest Service relative to national forests, provides as follows:

The following acts are prohibited on lands of the United States within national forests:

The going or being upon any such land, or in or on the waters thereof, with intent to hunt, catch, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or to take the eggs of any such bird, in violation of the laws of the State in which such land or waters are situated.

Regulation G-30 authorizes all forest officers to enforce the above regulation and also to cooperate with State or Territorial officials in the enforcement of local laws for the protection of birds, fish, and game.

ACT REGULATING FIRES ON PUBLIC DOMAIN

[U. S. Code, Title 18, Criminal Code and Criminal Procedure]

SEC. 106. Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than \$5,000 or imprisoned not more than two years, or both. (Act of March 4, 1909, sec. 52—35 Stat. 1098.)

SEC. 107. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than \$1,000 or imprisoned not more than one year, or both. (Act of March 4, 1909, sec. 53—35 Stat. 1098.)



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